

Notice of Allowability

Application No.

10/825,248

Examiner

Vaughn T. Coolman

Applicant(s)

DAVIS, LARRY E.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview with applicant dated 06/10/2006.
2. ☒ The allowed claim(s) is/are 10-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in several telephone interviews with Mr. Larry Davis on the dates of 06/09/2006-06/12/2006.

The application has been amended as follows:

Claims 2-9: cancelled

Claim 10. (new) A wheelbarrow including a cargo tub portion and undercarriage elongate handles supporting the tub portion; comprising:

a leveling self-locking leg support mechanism,

a cupped yoke adapted to support a cradle leg member;

said cupped yoke comprising vertically oriented spaced apart front and rear flange walls, a connecting floor, and at least one elongate vertical slot disposed along a center face of at least one of said yoke flange walls;

a permanently stationary pin adapted to lock said cradle leg member, wherein said pin is located above said at least one elongate slot;

said spaced apart flange walls of said cupped yoke extending upwardly and being secured to a part of said undercarriage elongate handles;

said cradle leg member including left and right ground supporting feet, a center upwardly extending edge having a plurality of spaced apart teeth along said edge, and an axle adapted to laterally support said cradle-leg member;

said axle located within said at least one elongate vertical slot;

said cupped yoke cooperating with said axle to provide lateral support for said cradle leg member;

said at least one elongate vertical slot allowing up and down movement of said cradle leg axle, thus allowing automatic meshing and un-meshing of said spaced apart teeth with said pin.

Claim 11. (new) The wheelbarrow as described in claim 2, wherein said flange walls define and substantially limit the yaw and pitch of said cradle leg member.

Claim 12. The wheelbarrow as described in claim 3, wherein said flange walls allow up and down movement as well as rotation of said cradle-leg member about said axle, thereby providing a see-saw leveling of said cradle leg member.

Claim 13. The wheelbarrow as described in claim 4, said at least one elongate slot substantially limiting lateral displacement of said cradle leg member.

Claim 14. The wheelbarrow as described in claim 5, wherein said axle of said cradle leg member is affixed at a right angle thereto;

said axle being oriented along a longitudinal axis of said wheelbarrow;

said axis being located substantially below said handles.

Claim 15. The wheelbarrow as described in claim 6, said axis being translatable along said at least one elongate slot, thereby providing vertical movement of said cradle leg member.

Claim 16. The wheelbarrow as described in claim 2, said axle being elevated up from said connecting floor when said wheelbarrow handles are manually released by a user; said elevation of axle causing said teeth of the cradle leg member to mesh with said pin, thereby automatically locking the cradle-leg member with and relative to the cupped yoke.

Claim 17. The wheelbarrow as described in claim 2, wherein a downward movement of said cradle-leg member results from the handles of said wheelbarrow being manually supported by a user;

said downward movement disengaging said teeth from said pin and allowing said cradle-leg member to rest on said connecting floor.

The following is an examiner's statement of reasons for allowance:

The primary reason for allowance of the claims is that the prior art of Capers Jr. et al (US 2004/0222604 A1) and Black Jr. (US 2004/0227314 A1) taken individually or collectively fails to teach or anticipate either “a cupped yoke” including “front and rear flange walls” in combination with “a connecting floor” or “a permanently stationary pin . . . located above [an] elongate slot”. Any combination of the references made of record to formulate a rejection would involve impermissible hindsight.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vaughn T. Coolman whose telephone number is (571) 272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


vte
06/12/06

Travis Coolman
Examiner
Art Unit 3618



CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600